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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 001459

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DEPARTMENT FOR SCA/INS
MCC FOR D NASSIRY AND E BURKE

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [MOPS](#) [CE](#)

SUBJECT: SRI LANKA: GOVERNMENT PROVIDES WEAK RESPONSE TO
REQUEST FOR EVIDENCE OF PROGRESS ON HUMAN RIGHTS

REF: A. STATE 146746
[1](#)B. COLOMBO 1421
[1](#)C. COLOMBO 1358
[1](#)D. COLOMBO 1232
[1](#)E. COLOMBO 1225

Classified By: Charge d'Affaires James R. Moore, for reasons 1.4(b,d).

[1](#)1. (C) Summary. Foreign Minister Rohitha Bogollagama on October 23 provided Charge with an Aide Memoire response to U/S Burns' request for additional information on the GSL's progress on human rights indictments and convictions. The GSL document, although constructive rather than defensive in tone, provides little new information. While some GSL initiatives outlined in the document are commendable, the lack of disciplinary and corrective measures, and particularly convictions, against human rights abusers remains a cause for serious concern. End Summary.

U/S Burns Requests a Human Rights Progress Report

[1](#)2. (C) When Foreign Minister Rohitha Bogollagama met with U/S Burns in Washington on October 4 (ref A), U/S Burns passed him a written request for information on GSL efforts to hold human rights violators accountable for their actions. (Note: Post forwarded an updated version of this memo to the Foreign Ministry on October 12.) Specifically, the document asked for information on trials and convictions of members of the security forces alleged to have committed human rights abuses. The memo also highlighted high profile cases of killings and disappearances and raised ongoing concerns about recruitment of child soldiers and internally displaced persons.

Foreign Minister Delivers GSL Response

[1](#)3. (C) On October 23, Charge met with Bogollagama to

receive an Aide Memoire containing the GSL's detailed response to U/S Burns' request. Bogollagama remarked that dialogue on human rights is normal between democratic allies, and noted the special relationship Sri Lanka enjoys with the U.S. He asked that we inform him of any clarifications on their response that are required. Charge emphasized our expectation of improved human rights performance by the GSL and noted the Department's October 22 statement calling on the GSL to reconsider UN High Commissioner for Human Rights Louise Arbour's request for an expanded OHCHR presence in Colombo.

14. (C) Post's assessment of the GSL's response is that it contains little new information. It restates in 12 pages plus annexes the GSL's explanations of and defenses against allegations of human rights abuse. It does not, in our view, represent a significant gesture or effort on the part of the GSL to address the human rights situation in Sri Lanka. The full text of the document and two annexes have been emailed to SCA/INS.

Killings

15. (C) The GSL's response contains little new information on the killings mentioned in the Department's memo. The several paragraph account of the investigation into the August 2006 killing of 17 aid workers in Muttur gives the GSL's standard explanation of events. (Note: It is widely believed that the security forces were involved in this incident. Members of IIGEP have repeatedly told Emboffs that their work on the case has revealed that GSL security forces

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are responsible for the killings.) No new information was provided on the June 2007 killing of two Sri Lankan Red Cross workers. The GSL offers the now-familiar explanation that the investigation is stalled because the culprits have vanished into the Vanni. The GSL denies any knowledge of the killing of three teens in Jaffna on August 29, 2006, claiming it was not reported to the Jaffna Police. The GSL admits that there were four reported killings in Jaffna on that date, but reports no progress on any of the cases. The report provided no new information on the September 2006 murder of Muslim construction workers in Pottuvil. In the case of two brothers who were killed in the custody of Ambalangoda Police, the GSL says the Attorney General (AG) is still weighing whether the police were acting in self-defense or in an unlawful manner. It is unclear how long the case will remain with the AG.

Disappearances

16. (C) The GSL reports that ICRC figures on disappearances show a decline in cases from the first to the second quarter of 2007. (Note: The first quarter of 2007 showed a sharp spike, making it probably the worst quarter for abductions since Sri Lanka's independence in 1948.) However, ICRC's July and August numbers, as well as reports from our contacts in Jaffna, reveal disappearances are once again increasing. We dispute the GSL's argument that it has little ability to prevent disappearances in places like Jaffna which are only under "nominal Government control." Jaffna town is under a nightly curfew and the GSL has approximately 150,000 security forces personnel there to control an area with a population of 475,000. The report provides no new information on the status of 567 cases being looked into by the Mahanama Tilakaratne Commission or the cases listed in Ambassador's list presented to President Rajapaksa in March. The GSL notes that in 42 of the 355 of the cases on the Ambassador's list, no complaints were made to the police. However, our contacts tell us that many cases are not reported to the police out of fear of retribution. The GSL offered no explanation of the disappearance of a well-known university vice-chancellor from a Colombo conference hall in a high

security zone.

Indictments and Arrests

¶17. (C) The GSL's update on indictments and arrests of security officials reveals that most disciplinary measures have been directed at the police rather than the military. There are few actual convictions--only three out of over 100 indictments mentioned in the document, and those for crimes committed prior to 2004. Only three indictments were of members of the military.

Child Soldiers

¶18. (C) The GSL argues that the emphasis on the Karuna faction's recruitment of child soldiers is misplaced since the LTTE has recruited over 5,700 children and Karuna has only recruited 232. Our paper to the GSL emphasized the Karuna faction's recruitment because the organization is allowed by the government to operate freely. The GSL statement that the Government will not allow anyone other than the armed forces to carry weapons is simply untrue. The GSL maintains a policy of allowing two paramilitary groups, the Karuna faction in the East and the Eelam People's Democratic Party in the North, to remain armed.

IDPs and Access to Basic Needs

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¶19. (C) The total number of IDPs given by the GSL, 190,669, represents only those IDPs displaced since April 2006. While the government deserves some credit for its resettlement efforts, we dispute the GSL statement that resettlement of IDPs has been voluntary and undertaken according to international standards. OFDA reports that in July and August 2007 IDPs in Trincomalee District were pressured to return home when the GSL threatened to stop supplying food to their camps. In September, an OFDA team observed IDPs being directed by armed soldiers to board buses that would take them home.

¶10. (C) COMMENT: It is our assessment that while the GSL is to be commended for some initiatives noted in their report, such as establishing the National Police Commission's Public Complaints and Investigations Division and appointing a Commissioner General of Essential Services to coordinate the provision of supplies to Jaffna, the Aide Memoire confirms what post has been reporting over the past year. We maintain our view that progress on bringing human rights abusers to justice continues to be too slow. A tremendous amount remains to be done on prosecuting the existing cases and on increasing transparency and accountability within the security forces, including raising the number of actual convictions. We acknowledge that the lack of convictions in human rights cases reflects the larger problem of the overall ineffectiveness of Sri Lanka's criminal justice system. However, it is that very ineffectiveness which contributes to the country's culture of impunity in which human rights abuses occur and are tolerated.

MOORE